

March 2, 2009

The Honorable Henry A. Waxman
Chairman
House Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

Dear Chairman Waxman:

We are writing to strongly endorse the Family Smoking Prevention and Tobacco Control Act, which you introduced today. This bipartisan bill would reduce the devastating harm caused by tobacco use by granting the U.S. Food and Drug Administration (FDA) long-overdue authority to regulate tobacco products. Members of Congress have an historic opportunity to pass this life-saving legislation. We offer our full support for your efforts to turn this opportunity into a reality.

There is overwhelming support for this legislation by Americans across all political, demographic and geographic lines. Nationally, likely voters support Congress passing a bill to give the FDA authority to regulate tobacco by more than a three to one margin (70 to 23 percent). More than 950 public health, faith and other organizations support this legislation including the American Cancer Society Cancer Action Network, American Heart Association, American Lung Association and Campaign for Tobacco-Free Kids as well as many other national, state and local organizations (list can be seen at <http://www.tobaccofreekids.org/reports/fda/organizations.pdf>)

Both the President's Cancer Panel and the Institute of Medicine support Congress giving the FDA the authority to regulate the manufacture and marketing of tobacco products. In its groundbreaking 2007 report entitled *Ending the Tobacco Epidemic: A Blueprint for the Nation*, the Institute of Medicine argued, "...product regulation by the FDA will advance tobacco control efforts in the United States and around the world. The proposed tobacco control legislation embodies the principles that should govern the regulation of tobacco products in the coming years."

As the stalwart champion of this legislation for many years, we do not need to tell you how important it is that this much-needed bipartisan FDA legislation be enacted in this session of Congress. We thank you for your continued leadership and are ready to help you to ensure its passage.

Sincerely,

Daniel E. Smith
President
American Cancer Society Cancer Action Network

Nancy Brown
Chief Executive Officer
American Heart Association

Charles D. Connor
President and Chief Executive Officer
American Lung Association

Matthew L. Myers
President
Campaign for Tobacco-Free Kids



American
Public Health
Association

800 I Street, N.W. • Washington, DC 20001-3710
Phone: (202) 777-APHA • Fax: (202) 777-2534
www.apha.org • comments@apha.org

Protect, Prevent, Live Well

February 27, 2009

The Honorable Henry Waxman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Waxman:

On behalf of the American Public Health Association (APHA), the oldest and most diverse organization of public health professionals in the world, dedicated to protecting all Americans and their communities from preventable, serious health threats and assuring community-based health promotion and disease prevention activities and preventive health services are universally accessible in the United States, I write in strong support of the Family Smoking Prevention and Tobacco Control Act, legislation that would give the Food and Drug Administration (FDA) the authority to regulate tobacco products.

According to the Centers for Disease Control and Prevention (CDC), tobacco use is responsible for about 438,000 deaths each year in the United States. In addition to this staggering statistic, tobacco use costs more than \$96 billion each year in health care expenditures, and an additional \$97 billion per year in lost productivity. Furthermore, 3,600 kids between the ages of 12 and 17 years initiate cigarette smoking every day. In spite of this, tobacco products remain virtually unregulated. For decades, the tobacco companies have marketed their deadly products to our children, deceived consumers about the harm their products cause, and failed to take any meaningful action to make their products less harmful or less addictive. Your bill would finally end the special protection enjoyed by the tobacco industry and protect our children and the nation's health instead.

This legislation meets the high standard established by the public health community for FDA tobacco regulation. Importantly, the bill would create FDA authority to effectively regulate the manufacturing, marketing, labeling, distribution and sale of tobacco products, including the authority to:

- Stop illegal sales of tobacco products to children and adolescents
- Require changes in tobacco products, such as the reduction or elimination of harmful chemicals, to make them less harmful and less addictive
- Restrict advertising and promotions that appeal to children and adolescents
- Prohibit unsubstantiated health claims about so-called "reduced risk" tobacco products that discourage current tobacco users from quitting or encourage new users to start
- Require the disclosure of tobacco product content and tobacco industry research about the health effects of their products
- Require larger and more informative health warnings on tobacco products
- Study and address issues associated with menthol tobacco products

We thank you for your continued leadership on this and other important public health issues. We look forward to working with you to ensure the legislation is passed by Congress and signed by the president this year.

Sincerely,

Georges C. Benjamin, MD, FACP, FACEP (Emeritus)
Executive Director

March 3, 2009

The Honorable Henry Waxman
Chairman, Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Waxman:

We are writing to endorse the "Family Smoking Prevention and Tobacco Control Act," which you introduced on March 3, 2009. If enacted, this legislation will make a significant contribution in our national campaign to reduce the harm caused by tobacco and to protect our children and public health.

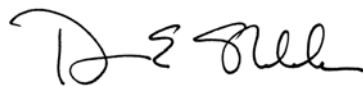
As you are aware, in the next 365 days, more than 400,000 Americans will die prematurely from tobacco use and more than 450,000 children, 12 to 17 years old, will become regular, daily smokers and part of the next generation of grim statistics. This year, under your leadership, the United States Congress has an opportunity to bring about fundamental change by enacting your legislation to regulate tobacco products and their marketing.

The "Family Smoking Prevention and Tobacco Control Act" is the kind of tobacco regulation that makes sense and that is long overdue. It would prevent the tobacco companies from marketing to children. It would require disclosure of the contents of tobacco products, would authorize FDA to require the reduction or removal of harmful ingredients, and would require FDA to promptly address the complex issues raised by menthol tobacco products. It would prohibit terms like "light" and "low tar" which have been used to mislead smokers into thinking that those tobacco products are less harmful. And it would force the tobacco companies to scientifically prove any claims about "reduced risk" products.

Some have questioned whether FDA can take on this important new task and whether it will have sufficient resources. Having thoroughly studied this issue, we believe that the bill gives the FDA the resources it needs to do the job properly; and, without question, the FDA is the right agency to implement this new regulation because it has a public health mandate and the necessary scientific and regulatory experience.

The Congress can change the course of this public health crisis by voting to enact your legislation to provide FDA with authority over tobacco products. This is a strong bill and would significantly advance the public health.

Sincerely,



Donna E. Shalala, Ph. D.
Former Secretary of
Health and Human Services



David Kessler, M.D.
Former Commissioner of the
Food and Drug Administration



David Satcher, M.D.
Former Surgeon
General



Premium American Tobacco At An Honest Price.

March 4, 2009

The Honorable Henry A. Waxman,
Chairman
Committee on Energy and Commerce
The Honorable Frank Pallone, Jr.,
Chairman
Subcommittee on Health Committee on Energy and Commerce
2125 Rayburn House Office Building
House Office Building
Washington, DC 20515

Dear Chairman Waxman and Chairman Pallone:

Thank you for the opportunity to air concerns from small tobacco manufacturers as they relate to the Family Smoking Prevention and Tobacco Control Act.

As the bulk of the primary economic issues of small tobacco manufacturers have been largely addressed in the bill, we support the bill moving forward through the various stages of the legislative process.

I look forward to working with you to preserve these small tobacco manufacturer-related provisions and other provisions of the legislation and ultimately seeing passage of legislation in Congress. Thank you for your consideration and accommodation.

Sincerely,

Malcolm L. Bailey
Malcolm L. Bailey, CEO



Altria

Michael E. Szymanczyk
Chairman and Chief Executive Officer

March 3, 2009

The Honorable Henry A. Waxman
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Waxman:

On behalf of Altria Group, Inc. and its tobacco operating companies (including Philip Morris USA Inc., U.S. Smokeless Tobacco Company, and John Middleton Co.), I want to express our support for the *Family Smoking Prevention and Tobacco Control Act*. Thank you for your leadership in this issue.

For more than eight years, Altria Group has supported tough but reasonable federal regulation of tobacco products by the Food and Drug Administration (FDA). We have shown our support for previous versions of the *Family Smoking Prevention and Tobacco Control Act* by visiting with Members of Congress to highlight its important benefits and by submitting testimony to Congress reaffirming our support for this legislation.

Altria Group and its tobacco operating companies believe that adult consumers should be the primary beneficiaries of a Federal regulatory framework: (1) under which all tobacco product manufacturers and importers doing business in the U.S. must operate at the same high standards; (2) for the pursuit of alternative tobacco products that are less harmful than conventional cigarettes; and (3) that should provide for transparent, accurate, and scientifically grounded communication about tobacco products to consumers. Such regulation can also benefit shareholders and other stakeholders.

From our perspective, the legislation introduced today is not perfect and, in fact, still contains provisions with which we do not agree. For example, we have repeatedly expressed First Amendment reservations about certain provisions, including those that could restrict a manufacturer's ability to truthfully communicate about tobacco products.

On balance, however, we believe the *Family Smoking Prevention and Tobacco Control Act* provides an important step forward toward achieving the objective of providing tough but reasonable federal regulation of tobacco products. Accordingly, we encourage the Energy and Commerce Committee to report out this important legislation.

The bill introduced by you today reflects the result of difficult choices and compromises. We very much appreciate the work you and your staff have devoted to making the *Family Smoking Prevention and Tobacco Control Act* a better piece of legislation and in listening to our views and concerns. Thank you again for the opportunity to express our support for the *Family Smoking Prevention and Tobacco Control Act*.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Spence". The signature is fluid and cursive, with a large, stylized "M" and "S".

cc: Members of Energy and Commerce Committee



March 2, 2009

The Honorable Henry Waxman
Chairman, Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Waxman:

On behalf of the National Association of Convenience Stores ("NACS"), I appreciate this opportunity to offer our views on the Family Smoking Prevention and Tobacco Control Act of 2009. NACS is grateful for the time and effort that you, other Members, and staff spent with us last year and the consideration you gave to our concerns with this legislation.

As you know, NACS opposed legislation similar to this for several years due to the concerns we have had with the way these bills have regulated the retail sale of tobacco. These concerns include doubts about the fairness and effectiveness of the retail provisions of the bill, including the Food and Drug Administration's ability and experience in regulating retail sales.

Last year, however, we were pleased to reach agreement with you on ways to address these concerns and we removed our opposition to the legislation. Several provisions that we negotiated with you significantly advance our shared interests in the fairness and effectiveness of the manner in which the bill regulates the retail sales of tobacco. We appreciate that these provisions remain in the legislation you are considering this year. With that in mind, while we remain unable to endorse this legislation, as was the case last year we no longer oppose it and are not seeking any additional changes to the bill as it moves forward in the House and Senate. We will, however, oppose any similar legislation that does not include all of the important changes relating to the retail sale of tobacco that are reflected in your legislation or that includes provisions adversely affecting retailers that do not appear in the bill.

We very much appreciate the cooperative manner in which you, other Members, and all of your staffs have been willing to work with us this year and last in order to address issues that for many previous years appeared to be intractable. Thank you for your efforts.

Sincerely,

A handwritten signature in black ink, reading "Lyle Beckwith". The signature is fluid and cursive, with the first name "Lyle" and last name "Beckwith" clearly distinguishable.

Lyle Beckwith
Senior Vice President, Government Relations

cc: The Honorable Joe Barton
The Honorable Frank Pallone
The Honorable Nathan Deal

The Association for Convenience & Petroleum Retailing

1600 Duke Street ■ Alexandria, Virginia 22314-3436, USA ■ (703) 684-3600 ■ FAX (703) 836-4564 ■ www.nacsonline.com



March 10, 2009

The Honorable Henry Waxman
Chairman
House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Waxman:

I am writing to advise you that Swedish Match North America supports H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, which was passed by the House Energy and Commerce Committee on March 4th, 2009. As you will recall, we also supported this legislation during the previous Congress.

We look forward to continuing to work with your staff as this important legislation moves to the full House of Representatives.

Sincerely,

Gerard J. Roerty, Jr.
VP, Secretary and General Counsel

GJR/jhl

North America Division

Postal address:

P.O. Box 13297
Richmond, VA 23225
USA

Visiting address:

7300 Beaufont Springs Drive
Suite 400

Phone:

+1 (804) 302-1700

Fax:

+1 (804) 302-1760

Legal:

SWEDISH MATCH NORTH AMERICA INC.



**AMERICAN ACADEMY OF
OTOLARYNGOLOGY—
HEAD AND NECK SURGERY**

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Appleberry*

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March 12, 2009

The Honorable Henry Waxman
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Todd Platts
2455 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman and Representative Platts:

On behalf of our 12,000 members, the American Academy of Otolaryngology – Head and Neck Surgery (AAO-HNS) wishes to express its strong support for H.R. 1256, the *Family Smoking Prevention and Tobacco Control Act*. This important legislation represents an important step towards improving and protecting the health and well-being of Americans. Otolaryngologist-head and neck surgeons are physicians dedicated to the care of patients with disorders of the ears, nose, throat (ENT), and related structures of the head and neck. We are commonly referred to as ENT physicians.

Tobacco-related disease is the leading preventable cause of death in our country and more than 400,000 Americans lose their lives each year as a result of tobacco use. In addition, the costs associated with the treatment and management of tobacco-related illnesses burden our already stressed healthcare system by an estimated \$96 billion per year. Despite its immense negative impact on individual health, tobacco remains the most unregulated consumer product available today. It is for this reason and many others that Congress must act to provide the Food and Drug Administration (FDA) with the appropriate authority to oversee and regulate tobacco products. Government regulation of tobacco products has long been an issue we have supported, and the FDA has the combination of scientific experience and regulatory authority to enact common-sense consumer protections.

For the health and future of our nation's citizens, we thank you for introducing this important legislation and urge its passage in the 111th Congress. If you have any questions or need additional information, please contact Megan Marcinko, Program Manager for Congressional and Political Affairs, at 703-535-3796 or mmarcinko@entnet.org.

Sincerely,

David R. Nielsen, MD
Executive Vice President and CEO

Cc: The Honorable Nancy Pelosi, Speaker of the House
The Honorable John Boehner, Minority Leader



AMERICAN OSTEOPATHIC ASSOCIATION

1090 Vermont Avenue NW, Suite 510, Washington D.C. 20005 ph 202 414 0140 | 800 962 9008

March 17, 2009

The Honorable Henry A. Waxman
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Waxman:

As President of the American Osteopathic Association (AOA), I write to express our strong support for the "Family Smoking Prevention and Tobacco Control Act" (H.R. 1256). The AOA, which represents the nation's 64,000 osteopathic physicians, applauds your efforts to improve the health and wellness of your fellow citizens, especially children, by reducing their exposure to the dangers of tobacco products. The AOA advocates greater oversight of the tobacco industry and a more focused effort on preventing children from starting smoking in their formative years.

In 1990, the AOA House of Delegates adopted a policy that states "the AOA strongly recommends that all Federal and state health agencies continue to take positive action to discourage the American public from using cigarettes and other tobacco products." This policy was revised and reaffirmed in 2002. Additionally, the AOA adopted and ratified policies that "endorse a ban on all advertising of tobacco".

By granting oversight authority of tobacco to the Food and Drug Administration (FDA), your legislation proposes important steps towards reducing the number of people who smoke or use other tobacco products. Additionally, your legislation, if enacted, will contribute to a reduction in the number of children and teenagers who smoke by limiting their access and exposure to tobacco products. Ultimately, this will lead to a healthier population, a decrease in smoking related illnesses and diseases, and lower health care costs.

Again, thank you for your leadership on this important issue. We look forward to seeing it enacted into law. The AOA and our members stand ready to work with you to ensure its passage.

Sincerely,

Carlo J. DiMarco, DO
President